

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Establishment of Rules and Policies)	IB Docket No. 95-91
for the Digital Audio Radio Satellite)	RM No 8610
Service in the 2310-2360 MHz)	DA No. 01-2570
Frequency Band)	

To: The Commission

REPLY COMMENTS OF THE NATIONAL ITFS ASSOCIATION

The National ITFS Association (“NIA”) hereby replies to the comments submitted by XM Radio, Inc. (“XM”) and Sirius Satellite Radio, Inc. (“Sirius”) in connection with the “Request for Further Comment on Selected Issues Regarding the Authorization of Satellite Digital Audio Radio Service Terrestrial Repeater Networks,” issued by the Chief, International Bureau (Public Notice Report No. SPB-176, November 1, 2001) (“Public Notice”).

As NIA stated in its own comments in this proceeding, with respect to the Bureau’s proposal for protection of MDS and ITFS stations from interference from terrestrial repeaters of SDARS licensees, NIA believes that XM and Sirius are reasonably held to the standards set forth and successfully implemented for WCS licensees, and that no lesser set of obligations is warranted.

XM and Sirius object to these requirements, but provide no reasoned basis for their objections. NIA continues to believe that the proposal by the Bureau, albeit fairly modest in its

scope and protection for MDS and ITFS licensees, is a fair and reasonable accommodation of the interests of both SDARS newcomers and MDS and ITFS incumbents.

NIA has reviewed the Reply Comments to be filed in this proceeding by the Wireless Cable Association International, Inc. ("WCA"), in connection with these issues. WCA correctly points out that (1) there is no "double recovery" for MDS and ITFS licensees who might receive assistance in upgrading downconverters, as Sirius alleges; (2) there is no reason to object to the Bureau's proposed rules because of an up-coming sunset provision on the obligation to cure interference problems; and (3) there is manifestly no basis for XM's request that SDARS licensees receive notice of new facilities by MDS and ITFS licensees. In connection with the latter issue, WCA notes that there has never been any allegation or evidence that MDS and ITFS stations pose any interference threat to SDARS facilities, and that SDARS licensees already have notice of MDS and ITFS new facility applications, which are placed on public notice by the FCC. NIA fully endorses WCA's arguments.

Conclusion

For these reasons, the FCC should adopt the proposals set forth in the Public Notice.

Respectfully submitted,

NATIONAL ITFS ASSOCIATION

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments of National ITFS Association was mailed this 20th day of December, 2001 to the following:

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